

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

SAMUEL R. GARDNER, II,  
AIS #107989,

Plaintiff,

V.

LEON FORNISS, et al.,

Defendants.

CASE NO. 2:07-CV-1063-WKW

## ORDER ON MOTION

On February 6, 2008, the plaintiff filed a document in which he seeks the appointment of counsel (Court Doc. No. 10). The court therefore construes this document to contain a motion for appointment of counsel. The facts underlying the plaintiff's claims for relief are relatively simple and the law applicable to such claims is not complex. Moreover, the pleadings filed in this case establish that the plaintiff is capable of presenting the necessary elements of his claims to this court and fail to demonstrate that there are exceptional circumstances justifying appointment of counsel. *See Bass v. Perrin*, 170 F.3d 1312, 1320 (11<sup>th</sup> Cir. 1999); *Kilgo v. Ricks*, 983 F.2d 189, 193 (11<sup>th</sup> Cir. 1993); *Dean v. Barber*, 951 F.2d 1210, 1216 (11<sup>th</sup> Cir. 1992). Accordingly, the interests of justice do not compel appointment of counsel, and it is

ORDERED that the motion for appointment of counsel be and is hereby DENIED.

Done this 7th day of February, 2008.

/s/ Susan Russ Walker  
SUSAN RUSS WALKER  
UNITED STATES MAGISTRATE JUDGE